
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JOHN E. JACKSON, JR.,

Plaintiff,

versus

FRANK LARA, ET AL.,

Defendants.

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CIVIL ACTION NO. 1:19-CV-150

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff John E. Jackson, Jr., proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Frank Lara, Christopher Matt, Michelle Kelly, Dennis Hill, Christopher Hebert, and William Watts.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the action for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

Plaintiff contends that his claims regarding the conditions of his confinement while on suicide watch are not time barred because the statute of limitations was tolled for an unspecified amount of time while he pursued informal administrative remedies. Assuming the claim was timely filed, plaintiff has failed to state a claim because *Bivens* has not been extended to create an implied cause of action for an Eighth Amendment conditions of confinement claim.

ORDER

Accordingly, plaintiff's objections (#44) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#42) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 17th day of March, 2022.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE